

October 13, 1999

**Editorial Reaction to Expanded Liability:**

## **Dingell-Norwood Leaves Health Care to the “Crapshoot of the Courts”**

In the wake of House passage of the Dingell-Norwood bill, which exposes employers to unlimited punitive damages, editorial boards and columnists are echoing the wisdom of Senate Republicans' vow to protect patients without significantly increasing the cost of health coverage. Below are some excerpts:

*Norwood and Dingell claim their bill's lifting of federal constraints on lawsuits would not substantially raise health care costs, but business leaders and their allies in the GOP rightly counter that there's little evidence to back up their claim. On the contrary, health economists say recent large jury verdicts against health plans suggest that the costs of lifting current liability protections could be prohibitive.*

*Los Angeles Times editorial, 10/11/99*

*While the House passage of Dingell-Norwood bill is hailed as a victory for consumers, it could turn out to be a case where, “the operation was a success but the patient died. ... The probability, in our litigious society, is that there will be a flood of lawsuits, with all that that means in terms of increased costs and defensive maneuvering to avoid stiff judgments. Many employers, who through an accident of history are the source of most Americans' health coverage, can be expected to resort to the ultimate maneuver: dropping coverage.”*

*Chicago Tribune editorial, 10/10/99  
(from The Hotline, 10/12/99)*

*Letting patients sue their HMOs sounds like a wonderful idea only if you think*

*rampant lawsuits have been a blessing to society in other areas. Medical malpractice offers little basis for believing that an influx of trial lawyers will foster saner health care. A 1997 study of 30,000 litigants published in the New England Journal of Medicine found that 20 percent of the suits were filed by patients who had not suffered any injury--and that they got an average settlement of \$29,000 anyway. Those who had suffered an injury even though their doctor had not been negligent did even better, with an average payoff of \$98,000.*

Steve Chapman, columnist  
Chicago Tribune, 10/10/99

*The nation's second most urgent health-care need is to make managed-care providers more responsive to the public's medical needs. The nation's biggest health care problem is the growing number (now 44 million) of Americans with no health coverage at all. Norwood-Dingell gives new protections only to the fortunate people who have insurance.*

Providence Journal editorial, 10/11/99

While hardly complimentary toward Republicans, the *Washington Post* had stern criticism for Dingell-Norwood's over-reaching on behalf of trial lawyers:

*We would try a strong appeals system before exposing still more of the practice of medicine to the crash of the courts, as the bill's mostly Democratic sponsors would too blithely do.*

Washington Post editorial, 10/11/99

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